

Coalition for Court Access Meeting Summary

August 17, 2016 – 10:30 a.m. – 1:30 p.m.

Welcome and introductions

Chief Justice Rush welcomed the CCA members and identified civil access to justice for litigants as the most important issue facing the judiciary.

Justice David reviewed the goals of the CCA and focused on the opportunity to learn from and enhance what's been done, take what's good and improve on it:

- Improve the functionality of the civil legal aid delivery system in Indiana - no one entity or approach can solve these issues alone
- Facilitate improved communication among the staffed, pro bono, private bar, law school, court and other civil legal aid providers
- Mobilize and collaborate for joint initiatives – have early success and share the credit

The CCA members introduced each other and shared their goals for the CCA, including: bringing ILS and the pro bono districts more closely together; coordinating efforts to improve the civil legal aid system; involving law students more effectively in the legal aid system; assisting trial court judges with unrepresented litigants; bringing together diverse problem solvers to address complex problems; mobilizing volunteer attorneys; improving technology; representing consumers; helping rural communities; increasing appropriate access for all people; having an organization coordinating legal services statewide

Indiana Pro Bono Commission (IPBC):

Chuck Dunlap provided an overview of the IOLTA grants and the former IPBC's role in administering these grants:

- IOLTA program, which was created in 1997 to fund Indiana's Pro Bono Districts, worked well until interest rates went down
- Thereafter, the Pro Bono Districts restructured from 14 districts to 12.
- Grants levels have not changed since interest rates dropped and reserves were used to maintain IOLTA grants. IOLTA grants annual totaled \$792,500
- Now IOLTA grants include funds from IOLTA and funds generated from:
 - court filing fees
 - attorney registration fees
 - the cy pres/class action Trial Rule 23 (small impact on overall funds)
- The IPBC reviewed and approved IOLTA grant recommendations for the Indiana Bar Foundation board of directors to approve. The CCA will be taking over this function from the IPBC.

There were several questions/comments about:

-restructuring Pro Bono districts (this will be discussed going forward and prior to the 2018 round of IOLTA grants)

-use of carry-over funds- those not used by the districts. Chuck advised that generally, a district could keep \$5k. Carry-overs more more than \$5k would probably result in appropriate offsets.

-conflicts/recusals from voting were discussed in light of the fact that several CCA members had a stake in this vote. Rule 6.6(b)(7) states that “No member shall vote on any issue which may directly or indirectly benefit a member, that member’s employer, or another organization affiliated with the member.”

A consent vote was sought to approve 2017 grants which would maintain the grants as they have been for the last 4 years so that districts could have funds to operate.

Consent approved with all concurring, except for 3 abstains. IN Bar Foundation board will review and approve these recommendations at its Sept. 28, 2016 board meeting.

Chuck and Marilyn also briefly reported on the implementation of the Rule 6.7 mandatory pro bono reporting to the Bar Foundation and summarized the frequently asked questions. (See summary sheet)

J. David requested that the CCA members provide recommendations about how best to offer guidance and respond to attorneys’ pro bono reporting questions going forward.

Overview of Committee on Unrepresented Litigants

Judge Dowling briefly spoke about CURL’s goals and projects:

-access to and consistency of forms – putting a process in place for communicating statewide about the development of forms and how to guide litigants at the courthouse. This includes:

- self-help enters in Courthouses
- education for those who choose to represent themselves

Delaware County is doing a project using lawyer/facilitators to help litigants at the courthouse and provide an orientation to self-represented litigants about the basics of going to Court without an attorney and options for finding an attorney

Overview of Indiana Commission to Expand Access to Civil Legal Services

Judge Riley spoke about ICEACL’s, created in Sept. 2013 by Court order:

- Focus on creation of a web portal that would provide a starting point for people needing legal assistance as well as attorneys wanting to volunteer
- Public education focused on reaching out to the business community to expand understanding on the value of civil legal assistance

Working Groups

Justice David outlined the charge for the working groups, generally:

- Aim to have 5 – 7 members per working group
- Move effectively and swiftly towards concrete action through the working groups.
- Have a chair for each group. Indicate your willingness to serve as chair when you sign up and some groups may choose the chair at their first meeting.
- Focus on three actionable goals as a start- one short term (60-120 days), one mid-range (120-270 days) and one long term (1 year). Each group should meet at least once prior to the 10/28 CCA meeting.
- Each group should review the Justice for All RFP and submit any comments on the RFP and the list of state stakeholders by 9/19.
- Each working group should circulate a summary/minutes in advance of CCA's next meeting.
- Marilyn, LaKesha and Michelle are available to help staff the working groups

Comments and suggests re working groups:

-J. David would like to see a governance group and a research and development group (to look at what other states are doing) at some point

-the group discussed coordinating with other non-legal & social service groups that serve the same populations (including the 2-1-1 hotline, state association of United Ways, community foundations). This includes coordinating efforts with law schools, military, medical, shelters and faith based organizations. Note that this activity may fall under the Communications/Outreach working group.

- Andy Fraizer noted that the IACED is partnering with ILS to bring a financial literacy component into legal services to give low income people tools to proactively create more resilient families and vibrant communities, beyond the resolution of their immediate legal need.

- Judy Fox noted that the CCA is missing the voice of clients and low-income people

J. David outlined the working groups that were recommended by the Assessment Team and CCA members. The CCA members then selected working group assignments:

Technology (Online and Telephone Hotline) Portal and Civil Legal Aid triage

Develop a hub that is guided by geographical location, subject matter, paid/pro bono options with an aim to get people to the right place with as few steps as possible

Members:

Jon Laramore (willing to Chair)

Roxana Bell

Judy Fox

Jane Henegar
Chris Purnell
Judge Riley

Bank of America and IOLTA grants

This will be a joint committee of the IN Bar Foundation and the CCA whose membership will not include people representing organizations who expect to apply for funds.

Members:

Justice David
Don Lundberg
Mark Robinson
Judge Wentworth

Research and data collection

Oversee an updated legal needs study and work with the civil legal aid community and the Court to collect relevant data to understand the effectiveness and economic impact of civil legal aid as a benefit to the state.

Members:

Judy Fox (willing to Chair)
Chris Purnell (willing to Chair)
John Floreancig
Andy Fraizer
Jeff Hawkins
Jon Laramore

Pro Bono and Volunteer Attorney Recruitment

Focus on the continued development of volunteer attorneys, including pro bono brief and extended legal service and partnerships with law school pro bono programs.

Members:

Chris Purnell (willing to Chair)
Mary Fondrissi
Joel Schumm
Judge Wentworth
Scott Wylie

Middle Income/Working Poor Access to Legal Assistance

Focus on legal help for modest means and working poor Hoosiers, including legal incubators, reduced rate and sliding scale programs and other initiatives.

Members:

Roxana Bell
John Floreancig
Mary Fondrissi
Judge Riley

Rural legal services

Examine and work to improve legal services and court access in rural parts of the state.

Members:

Jeff Hawkins

Carl Pebworth

Judge Riley

Mark Robinson

Communications/Outreach

Communicating the work of the Coalition to the legal community and the public and serving as a liaison with bar associations, non-legal aid organizations, legal aid organizations, military assistance, law schools, etc.

Members:

Tom Pyrz (willing to Chair)

Roxana Bell

Justice David

Judge Dowling

Joel Schumm

Resource Development/Funding

Aim to increase resources and funding for civil legal aid in Indiana by speaking as a unified voice for the entire system and developing champions in the greater philanthropic, social service community.

Members:

Scott Wylie (willing to Chair)

Andy Fraizer

Jon Laramore

Carl Pebworth

Best Practices – Forms and Definitions for a statewide delivery system

Oversee the Justice for All grant proposal and the exploration of projects that include improving the statewide delivery system, such as best practices in intake; screening; online forms; referrals; and court rules and processes.

CCA Members:

Judge Dowling (willing to Chair)

Justice David

Any Fraizer

Jane Hengar

Action items:

Justice for All Grant:

-J. David provided brief overview (see summary sheet). Grant provides opportunity for recognition, financial and technical assistance to strengthen the civil legal aid system in Indiana.

-CCA members agreed that CCA should pursue this grant opportunity

-Working groups to provide input by 9/19

October 28 statewide civil legal aid conference –

ILS is hosting a statewide meeting of its staff in Indianapolis on Oct. 27. They are seeking the Coalition's partnership in supporting a statewide access to justice conference the next day on Friday, October 28. This conference is aimed at lawyers and others who support the civil legal aid needs of low income people in Indiana. The conference will be held at the Hyatt downtown, will provide 6 hrs of CLE and will cost \$100-\$150/person. The keynote speaker will be Hon. Lora Livingston, presiding judge of the 261st District Court, Travis County, Texas

Jon Laramore thanked the Supreme Court, Faegre, Baker Daniels, Indiana Legal Aid Society, Neighborhood Christian Legal Clinic and IN Bar Foundation for their financial support for the conference.

CCA members were in unanimous agreement that CCA should be involved in the conference and co-sponsor in whatever format makes sense.

The next CCA meeting will take place on 10/28 to coincide with the conference, from 3p – 5p, followed by a networking/social event that would give CCA members a chance to meet and talk with the conference participants.

Legal Needs Study

- Indiana Legal Services is required to do a “periodic comprehensive assessment and ongoing consideration of legal needs” by its main funder, the Legal Services Corporation. This includes an analysis and evaluation of the effectiveness of its delivery strategies and work.
- The last comprehensive Indiana legal needs study was conducted in 2008 and sponsored by Indiana Legal Services, the Indiana State Bar Association and the Indiana Bar Foundation.
- The value to the CCA of supporting and co-sponsoring a statewide legal needs study is to:
 - expand access to diverse data sources about the civil legal needs of low income people in Indiana;

- examine the economic impact of certain types of civil legal assistance (ie., expungement, foreclosure prevention, domestic violence) on neighborhoods, communities and the state budget.
- Analyze the resources currently available to address the state's civil legal needs.
- The legal needs study could be used to articulate the economic return of civil legal assistance to a broader audience, including funders, social service sector, legislators and the public.

-There are a variety of approaches to this study with a variety of price tags. ILS has some budget and will also seek out other funding to complete this study.

-ILS is seeking to get CCA co-sponsor this legal needs study

-IN is lacking in data collection, generally

-discussion re need to develop accepted methodology prior to conducting a study with an emphasis on accuracy and credibility of data collection. Issues include: how to measure "demand."

-messaging- need to discuss how to keep the broader community engaged and bought in to the data collection process

-most CCA members agree we need data and that a study is an opportunity to obtain valuable information

-discussed economic impact component to study (ie., \$1 spent on civil legal aid = \$5 return to state tax base in cost savings and increased financial activity)

-discussed not "reinventing to wheel" - seeing what information has already been gathered and using it

- Accurate data will allow CCA to build the case for expansion of civil legal assistance and funding with legislature, funders, and the business community

- each working group should feed data requests to the data collection working group about what to track

Future meetings

October 28 from 3:00p – 5:00p – location TBD (near the Hyatt where the statewide access to justice conference is being held)

December 19th from 10:30- 1:30 at the Indiana State Bar Association

February 13th from 10:30-1:30 at the Indiana Bar Foundation